CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE ON DISARMAMENT

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MEXICO

ESTABLISHMENT OF NUCLEAR-FREE ZONES

WORKING DOCUMENT

The establishment of nuclear-free zones - a question which the Eighteen Nation Committee on Disarmament decided to include in its programme of work on 15 August 1968 - is an effective measure of nuclear disarmament. Indeed, it necessarily implies the absolute prohibition of nuclear weapons in the territories of all the States that are Parties to the treaty establishing the zone. The aim of the treaty in question, unlike that of a treaty such as the non-proliferation treaty, should be to guarantee the total absence of nuclear weapons in the zone to which it applies, regardless of which State owns or controls such weapons. Consequently, if it were feasible, for example, to bring into force a universal treaty similar to the Treaty for the Prohibition of Nuclear Weapons in Latin America or Treaty of Tlatelolco, the problem of nuclear disarmament would be automatically solved, for this would imply the elimination of the gigantic nuclear arsenals existing in the world today.

As can be seen from the book on disarmament published not long ago by the Secretariat of the United Nations[1], and likewise from the study prepared by Dr. Peter Cacii[2] for the Conference of Non-Nuclear Weapon States, the first proposals for the establishment of nuclear-free zones were put forward over ten years ago. Since then, suggestions for such zones have been made with regard to many geographical areas, including Central Europe, the Scandinavian countries, the Mediterranean, the Balkans, the Middle East, Asia and the Pacific, Africa, and Latin America, to list only projects relating to lands inhabited by man.

1/ The United Nations and Disarmament, 1945 to 1965, United Nations, New York, 1967, pp. 209-211.

2/ A/CONF.35/Doc.9.

CE.69-7012
69-08696

Among all these proposals, those referring to the only two zones - Africa and Latin America - concerning which the General Assembly of the United Nations has actually adopted resolutions have been chosen, for the purpose of giving a brief description of their development in part I of this working document. To supplement this retrospective review, part II of the document gives a summary analysis of the Treaty of Tlatelolco, the only multilateral treaty it has been possible to conclude for the establishment of a nuclear-free zone comprising territories inhabited by man, the scope of the analysis being restricted to the two parallel questions of the obligations contracted by the States Parties to the treaty and those to be contracted by the nuclear Powers under Additional Protocol II. The last part of this document - part III - contains the main conclusions to be drawn from parts I and II.

I. Development of the proposals relating to Africa and Latin America

A. AFRICA

The first resolution to be approved by the General Assembly on the establishment of nuclear-free zones was resolution 1652 (XVI), entitled "Consideration of Africa as a denuclearized zone"[3/] adopted by the Assembly on 24 November 1961. Among the provisions of this resolution was one calling upon Member States "to refrain from using the territory, territorial waters or air space of Africa for testing, storing or transporting nuclear weapons", and "to consider and respect the continent of Africa as a denuclearized zone".

Nearly three years later, in July 1964, the Assembly of Heads of State and Government of the Organization of African Unity adopted a declaration[4/] in which, after confirming the above-mentioned resolution, the participating Heads of State and Government solemnly declared that they were ready to undertake, "through an international agreement to be concluded under United Nations auspices, not to manufacture or control atomic weapons", and requested the General Assembly of the United Nations to take "the necessary measures to convene an international conference for the purpose of concluding an agreement to that effect".

3/ Annex I.

4/ A/5975.

The Assembly took note of this declaration and of a draft resolution submitted by a large group of African States at its twentieth session, when it adopted, on 3 December 1965, resolution 2033 (XX) entitled "Declaration on the Denuclearization of Africa"[5/]. The provisions of paragraphs 7 and 9 of that resolution are particularly relevant here.

In paragraph 7 - the wording of which must certainly have been suggested by that of operative paragraph 2 of the resolution approved the year before on the denuclearization of Latin America - the Assembly expressed the hope "that the African States will initiate studies, as they deem appropriate, with a view to implementing the denuclearization of Africa, and take the necessary measures through the Organization of African Unity to achieve this end".

In paragraph 9, the Secretary-General was requested "to extend to the Organization of African Unity such facilities and assistance as may be requested in order to achieve the aims of the present resolution".

The resolution was adopted without a single vote against, but no great progress seems yet to have been made towards the attainment of its aims.

(B) Latin America

On 29 April 1963, five Latin American Presidents drafted a joint declaration[6/] in which, in the name of their peoples and Governments, they announced that the latter were prepared to sign a multilateral Latin American Agreement whereby they would undertake "not to manufacture, receive, store or test nuclear weapons or nuclear launching devices".

Seven months later, the General Assembly approved, on 27 November 1963, resolution 1911 (XVIII), entitled "Denuclearization of Latin America"[7/], in which the Assembly invoked in forthright terms the support and encouragement of the world community for the initiative embodied in the declaration, noting that initiative "with satisfaction" and expressing the hope that the States of Latin America would initiate studies "concerning the measures that should be agreed upon with a view to achieving the aims of the said declaration". The Assembly furthermore requested the Secretary-General to extend "to the States of Latin America, at their request, such technical facilities as they may require in order to achieve the aims set forth" in the declaration.

5/ Annex II.

6/ A/5415/Rev.1.

7/ Annex III.

After the closure of the eighteenth session of the Assembly, the Mexican Ministry of Foreign Affairs initiated active consultations with the Ministries of Foreign Affairs of the other Latin American republics on the measures likely to be most effective for carrying out the recommendations of resolution 1911 (XVIII).

The outcome of these consultations was the Preliminary Meeting on the Denuclearization of Latin America, which took place in Mexico from 23 to 27 November 1964. At this meeting two basic resolutions were adopted: the first defined the term "denuclearisation", specifying that it should mean solely "the absence of nuclear weapons" and not the prohibition of the peaceful use of the atom, which should, on the contrary, be encouraged, especially for the benefit of the developing countries; the second established the Preparatory Commission for the Denuclearization of Latin America and instructed the Commission to prepare a draft treaty on the subject. The Final Act of the Meeting was reproduced and issued as a United Nations document.8/

Four months later, the Preparatory Commission held its first session, at which observers from other continents, namely, from the Netherlands and Yugoslavia, were present for the first time. During this session, the Commission adopted its rules of procedure, based on those of the General Assembly of the United Nations, and set up a Co-ordinating Committee and three Working Groups, designated by the first three letters of the alphabet, each with clearly defined and urgent tasks to carry out. The corresponding Final Act was reproduced and distributed as a United Nations document.9/

The three Working Groups worked hard in the interval between the first and second sessions, and when the latter was opened on 23 August 1965, the Commission had before it their respective reports. One of these, that of Working Group B, included a preliminary draft of articles on verification, inspection and control, prepared with the aid of a very full digest of all the available material on the subject supplied by the Secretary-General of the United Nations, and with the technical advice of Mr. William Epstein, Chief of the Disarmament Affairs Division of the same Organization, who from then on was fortunately able to attend all the Commission's meetings.

8/ A/5824.

9/ A/5912.

Besides considering and communicating this preliminary draft to the Governments and approving a general declaration of principles, later to become, with slight modifications, the Preamble to the Treaty, the Commission at its second session established a Negotiating Committee with the main task of obtaining from the nuclear Powers a commitment to respect the legal statute of the military denuclearization of Latin America, as it would be embodied in the said international treaty. The Final Act of this session was reproduced and distributed as a United Nations document.10/

The second and third sessions of the Preparatory Commission were separated by a longer interval than any other successive meetings of the Commission. But the seven-and-a-half months that passed before the Commission sat again were far from being wasted. For a considerable part of that time, either the Negotiating Committee or the Co-ordinating Committee was hard at work. The former submitted to the Commission a full report on the results of the negotiations it had held with the representatives of the nuclear States while the twentieth session of the General Assembly of the United Nations was in progress. The efforts of the latter produced a substantial working document in the form of a preliminary draft treaty which gave the Commission for the first time a text presenting a general picture of the problems with which it would be faced in preparing the denuclearization treaty.

This working document - elaborated on the basis of three documents: the preliminary draft of the articles on verification, inspection and control, prepared the year before by Working Group B; a preliminary draft treaty submitted by the Government of Mexico; and some observations communicated by the Government of Chile - together with the draft treaty submitted jointly, shortly after the session began by the delegations of Brazil and Colombia, served as background material for the unanimous adoption of the "Proposals for the Preparation of the Treaty on the Denuclearization of Latin America", of which it was rightly said at the time that they would have, as an immediate antecedent to the treaty, a title to fame even more outstanding than that of the Dumbarton Oaks proposals in relation to the San Francisco Charter. The Final Act of the third session of the Preparatory Commission was reproduced and distributed as a United Nations document.11/

10/ A/5985
11/ A/6328

At the fourth session, the number of observers from States belonging to four different continents was greater than that of the twenty-one members of the Commission (the session was attended by observers from Austria, Belgium, Canada, Denmark, the United States, Finland, France, Ghana, the United Kingdom, India, Israel, Italy, Japan, Norway, the Netherlands, Poland, the United Arab Republic, the Republic of China, the Federal Republic of Germany, Romania, Sweden and Yugoslavia). The session was divided in two parts, the first considering only the motion submitted by various delegations for the postponement of the discussions. At the only meeting of this first part, which took place on 30 August 1966, the Commission received the Second Report of the Negotiating Committee, giving an account of the result of the informal inquiries that the Committee had been requested to make with a view to entering into contact with the Government of the People's Republic of China. The most important paragraphs of this report were read by the representative of Mexico at the meeting of the First Committee of the General Assembly held on 9 November 1966.[12/] The second part of the session, from 31 January to 14 February 1967, culminated in the adoption and opening for signature of the Treaty for the Prohibition of Nuclear Weapons in Latin America.

At the end of 1966, the Co-ordinating Committee of the Commission, on the basis of the results of informal conversations entered into while the twenty-first session of the General Assembly of the United Nations was in progress, drew up in New York a series of practical suggestions, embodied in its report of 28 December 1966, for the solution of the problems that had remained outstanding after the third session, most important among which was the question of the entry into force of the future treaty, dealt with in article 23 of the Proposals mentioned above.

The Committee, moreover, showing a clear appreciation of the situation, stressed in its report that the second part of the fourth session, to be opened on 31 January 1967, appeared to offer Latin America its last chance of being the first to give the world the example of the conclusion of a treaty of the type that had been in preparation during the previous three years, and recommended that the Commission, rather than lose this last chance, should sit until it could complete and open for signature the Treaty for the Denuclearization of Latin America.

12/ A/C.1/PV.1447

The Preparatory Commission took the recommendations of its Co-ordinating Committee very seriously. At the same meeting at which the second part of its fourth session was opened, it decided to omit the general debate and set up two working groups whose intensive and uninterrupted labours enabled it to complete the text of the treaty, which was adopted unanimously on 12 February and opened for signature two days later at the Commission's closing meeting. The Final Act of this fourth and last session of the Preparatory Commission was reproduced and distributed as a United Nations document.13/

During the first part of its twenty-second session, the General Assembly of the United Nations adopted, without a single contrary vote, resolution 2286 (XXII)14/, in which, besides welcoming with special satisfaction "the Treaty for the Prohibition of Nuclear Weapons in Latin America" - which title was also given to the resolution - and stating that the Treaty "constitutes an event of historic significance in the efforts to prevent the proliferation of nuclear weapons and to promote international peace and security", it made a series of urgent appeals addressed respectively to all States, to States which are or may become signatories of the Treaty or of its Additional Protocol I, and to Powers possessing nuclear weapons:

It called upon the first "to give their full co-operation to ensure that the régime laid down in the Treaty enjoys the universal observance to which its lofty principles and noble aims entitled it".

It recommended the second "to strive to take all the measures within their power to ensure that the Treaty speedily obtains the widest possible application".

It invited the Powers possessing nuclear weapons "to sign and ratify Additional Protocol II of the Treaty as soon as possible".

13/ A/6663. The authentic text of the Treaty, in the five official languages of the United Nations, is reproduced in document A/C.1/946.

For a fuller account of the preparatory work for the Treaty, see:
Alfonso García Robles, The Denuclearization of Latin America,
Carnegie Endowment for International Peace, New York, 1967;
El Tratado de Tlatelolco: Génesis, Alcance y Propósitos de la Proscripción de las Armas Nucleares en la América Latina, El Colegio de México, 1967.

14/ Annex IV.

The Conference of Non-Nuclear-Weapon States, held at Geneva from 29 August to 28 September 1968 adopted, also without a single dissenting vote, resolution B[15], whose operative part contains general provisions as well as provisions relating specifically to the Treaty of Tlatelolco.

In the general provisions of that resolution, the Conference recommended that all non-nuclear-weapon States not comprised in the zone established by the Treaty of Tlatelolco should "initiate or continue such studies as they may deem opportune concerning the possibility and desirability of establishing by treaty the military denuclearization of their respective zones, provided that political and security conditions permit."

In those paragraphs of the resolution referring to the Treaty, the Conference, after regretting the fact that not all the nuclear-weapon States had yet signed Additional Protocol II of the Treaty of Tlatelolco, urged the nuclear-weapon Powers "to comply fully with paragraph 4 of resolution 2286 (XXII), adopted by the United Nations General Assembly on 5 December 1967", namely, the paragraph in which, as already indicated, the General Assembly had invited those Powers "to sign and ratify as soon as possible Additional Protocol II of the Treaty."

The General Assembly reverted to this question at its twenty-third session and, in its resolution 2456 B (XXIII)[16], which was approved, as in the two previous cases, without a single dissenting vote, on 20 December 1968, reiterated the general recommendation contained in resolution B of the Conference of Non-Nuclear-Weapon States "and especially the urgent appeal for full compliance by the nuclear-weapon Powers with paragraph 4 of General Assembly resolution 2286 (XXII) of 5 December 1967, in which the Assembly invited Powers possessing nuclear weapons to sign and ratify as soon as possible Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America."

By 20 March 1969, the Treaty of Tlatelolco had been signed by the twenty-one States members of the Preparatory Commission for the Denuclearization of Latin America and by Barbados. Ten of these States - in chronological order, Mexico, El Salvador, the Dominican Republic, Uruguay, Honduras, Nicaragua, Equador, Bolivia, Peru and Paraguay - had deposited their instruments of ratification together with declarations by which, by virtue of the provisions of article 28, paragraph 2 of the Treaty, they wholly waived the requirements laid down in article 28, paragraph 1, so that the Treaty is already in force for these ten States. Brazil has also deposited its instrument of ratification but has not made the declaration in question (annex IX).

15/ Annex V

16/ Annex VI

Ratification procedure is well advanced in most of the other signatory States, so that there is reason to hope that in the near future the required eleven instruments of ratification accompanied by declarations waiving all requirements will have been deposited so that immediate steps can be taken to enable the agency for the Prohibition of Nuclear Weapons in Latin America to begin work in accordance with article 28 (3) of the Treaty.

With regard to the additional protocols to the Treaty, the one bearing the number I was signed by the United Kingdom on 20 December 1967 and by the Netherlands on 15 March 1968. Additional Protocol II was signed by the United Kingdom on the same date as Protocol I and by the United States on 1 April 1968. (Annex IX).

II. - Obligations under the Treaty of Tlatelolco, of the States Parties thereto and of States possessing nuclear weapons

As was said at the beginning, the intention here is not to examine in detail the contents of the Treaty for the Prohibition of Nuclear Weapons in Latin America and its two additional protocols, but only briefly to analyse those provisions of the Treaty and of its Additional Protocol II which relate to the obligations assumed, first, by the non-nuclear weapon States which become parties to the Treaty, and, second, by the States possessing nuclear weapons which sign and ratify Additional Protocol II.

As regards the obligations of the States Parties to the Treaty, the Latin American States have drawn up a definition which is undoubtedly one of the most comprehensive ever produced on the world or regional level, and one which certainly seems to leave no loop-hole.

Under article 1 of the Treaty,[17/] the Contracting Parties undertake to "use exclusively for peaceful purposes the nuclear material and facilities which are under their jurisdiction and to prohibit and prevent in their respective territories" both "the testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons" and "the receipt, storage, installation, deployment and any form of possession of any nuclear weapons", by the Parties themselves, directly or indirectly, on behalf of anyone else, by anyone on their behalf or in any other way.

The Parties also undertake "to refrain from engaging in, encouraging or authorizing, directly or indirectly, or in any way participating in the testing, use, manufacture, production, possession or control of any nuclear weapon".

17/ Annex VII

With the aim of facilitating, ensuring and verifying compliance with the obligations contracted by the Parties, the Treaty contains in article 5 an objective definition of what, for the purposes of the Treaty, is to be understood by "nuclear weapon"[18]; it sets up an "Agency for the Prohibition of Nuclear Weapons in Latin America" the principal organs of which will be a General Conference, a Council and a Secretariat; it also sets up a Control System, which is described in articles 12 to 16 and 18, paragraphs 2 and 3.[19]

The provisions of the last-mentioned articles, as the Secretary-General of the United Nations strongly emphasized in the message which he sent to the Preparatory Commission when the Treaty was approved, on 12 February 1967, provide the first example of the inclusion in any international treaty dealing with disarmament measures of an effective control system with permanent organs of supervision. The system includes the full application of the safeguards of the International Atomic Energy Agency, but its scope is much greater. On the one hand, it is to be used not only to verify "that devices, services and facilities intended for peaceful uses of nuclear energy are not used in the testing or manufacture of nuclear weapons", but also to prevent any of the activities prohibited in article 1 of the treaty from being carried out in the territory of the Contracting Parties with nuclear materials or weapons introduced from abroad, and to make sure that any explosions for peaceful purposes that might be carried out are compatible with article 18 of the Treaty. On the other hand, the Treaty assigns important functions of control to the three main organs - established by the Treaty itself - of the Agency for the Prohibition of Nuclear Weapons in Latin America: they are the General Conference, the Council and the Secretariat. There is also provision for the submission by the Parties of periodic and special reports, for special inspections in certain circumstances, and for the transmission of the reports on those inspections to the Security Council and the General Assembly of the United Nations.

As regards the obligations of States possessing nuclear weapons, these are set out in Additional Protocol II to the Treaty[20], which is open to signature only by those States and in which it is stipulated that the nuclear Powers which become Parties to the Treaty shall enter into the following undertakings:

18/ Ibid.

19/ Ibid.

20/ Annex VIII.

(a) that of respecting, "in all its express aims and provisions," the "statute of denuclearization of Latin America in respect of warlike purposes, as defined, delimited and set forth" in the provisions of the Treaty of Tlatelolco;

(b) that of not contributing "in any way to the performance of acts involving a violation of the obligations of article 1 of the Treaty in the territories to which the Treaty applies", and

(c) that of not using or threatening to use "nuclear weapons against the Contracting Parties of the Treaty".

The above undertakings, which signature and ratification of Additional Protocol II to the Treaty of Tlatelolco will make binding on the nuclear Powers, are in strict accordance with both the letter and the spirit of the exhortations of the United Nations General Assembly, repeated in many resolutions: especially worth recalling here are the provisions of resolution 1911 (XVIII), in which the Assembly expressed its trust that the nuclear Powers would "lend their full co-operation" for the effective realization of the military denuclearization of Latin America; and also of resolution 2153 A (XXI), in which it called upon "all nuclear-weapon Powers to refrain from the use, or the threat of use, of nuclear weapons against States may conclude treaties", such as the Treaty of Tlatelolco in order to "ensure the total absence of nuclear weapons in their respective territories".

This was certainly the reason why the Assembly, as has already been said, expressly invited the Powers in question, in its resolution 2286 (XXII), to "sign and ratify Additional Protocol II of the Treaty [of Tlatelolco] as soon as possible"; this was why the Conference of Non-Nuclear-Weapon States placed special emphasis on the need for the nuclear Powers to "comply fully" with that invitation and why the Assembly itself reaffirmed the recommendation of the Conference in its resolution 2456 B (XXIII).

III. Conclusions

The brief account in part I of this document of the efforts to secure the conversion into nuclear-free zones of the African continent and the Latin American subcontinent, and the analytical description in part II of some aspects of the Treaty of Tlatelolco suggest certain conclusions, of which those set forth below may be of particular use to the Eighteen-Nation Disarmament Committee:

1. The two initiatives, which originated at almost the same time, followed a parallel development until 1965. From then on the Latin American project gained a considerable lead, reaching a happy culmination in the opening for signature of the Treaty of Tlatelolco at the beginning of 1967; this was probably due to the felicitous decision taken by the Latin American States in November 1964 to set up an ad hoc agency - the Preparatory Commission for the Denuclearization of Latin America - with the exclusive task of drawing up the required draft treaty. The Commission started its work on 5 March 1965 and, after overcoming numerous obstacles and resolving the complex problems with which it was faced, managed to finish its work in rather less than two years of persistent efforts.

2. The background supplied by the four resolutions of the United Nations General Assembly appended as Annexes I-IV, two each of which refer to the banning of nuclear weapons in Africa and Latin America respectively, clearly shows that in both cases there was a conviction that in order to establish a nuclear-free zone, a multilateral declaration, or even a United Nations declaration, would not be sufficient, but that a properly signed and ratified treaty or convention was required. Such was the feeling of the Latin American States when in November 1963 they put before the Assembly the draft which was to become resolution 1911 (XVIII); and such also was the feeling of the Heads of State and Government of the Organization of African Unity when they adopted their Declaration of July 1964.

3. The provisions of the Treaty of Tlatelolco are very instructive in regard to the many and various considerations which will have to be taken into account when any future nuclear-free zones are established. Of these, the following are worth singling out:

(a) the need for the obligations to be assumed by States Parties to the treaty in question to be drawn up in such a way as to leave no loop-hole for evasion of the total nuclear-weapons ban in their respective territories;

(b) the desirability of including in the treaty an objective definition of what, for the purposes of the treaty, is meant by "nuclear weapon";

(c) the need for providing for the application of an effective system of international verification and control for the purposes of watching over and ensuring fulfilment of the treaty obligations; and

(d) the desirability of setting up, for that same purpose, an agency - with organs adequate for the fulfilment of its tasks - in which all Parties to the treaty are represented.

4. Additional Protocol II to the Treaty of Tlatelolco is a clear indication that, like the obligations upon non-nuclear States, the undertakings which the nuclear Powers should assume in respect of militarily denuclearized zones must be incorporated in a solemn international instrument which has the full force of law, like a treaty, convention, or protocol. It was this conviction which, during the debates in the Preparatory Commission for the Denuclearization of Latin America, prompted the member States of the Commission, after a long and exhaustive discussion of the subject, to reject recourse to any of the various procedures which, in addition to the one which was later to be embodied in the Protocol, were at the time considered, such as the drawing up of unilateral declarations, or the adoption by the General Assembly of a resolution sui generis. The conclusion reached, furthermore, seems to be the only one which accords with the basic principle of the sovereign equality of States, since it would be in conflict with this principle if procedures which are rightly held to be inadequate in the case of non-nuclear States were accepted as satisfactory where nuclear Powers are concerned. This is certainly why the Conference of Non-Nuclear-Weapon-States clearly expressed its conviction that "for the maximum effectiveness of any treaty establishing a nuclear-weapon-free zone, the co-operation of the nuclear-weapon States is necessary and that such co-operation should take the form of commitments likewise undertaken in a formal international instrument which is legally binding, such as a treaty, convention or protocol".

ANNEX I

1652 (XVI). Consideration of Africa as a denuclearized zone.

The General Assembly,

Recalling its resolutions 1378 (XIV) of 20 November 1959 on general and complete disarmament, 1379 (XIV) of 20 November 1959 on the question of French nuclear tests in the Sahara, 1576 (XV) of 20 December 1960 on the prevention of the wider dissemination of nuclear weapons, and 1577 (XV) and 1578 (XV) of 20 December 1960 on the suspension of nuclear and thermo-nuclear tests,

Recalling further its resolution 1629 (XVI) of 27 October 1961, which declared that both concern for the future of mankind and the fundamental principles of international law impose a responsibility on all States concerning actions which might have harmful biological consequences for the existing and future generations of peoples of other States, by increasing the levels of radioactive fall-out,

Concerned about the present rate of nuclear armament and the possible spread of nuclear weapons, as well as the resumption of nuclear tests in the continent of Africa which is being emancipated,

Recognizing the need to prevent Africa from becoming involved in any competition associated with the ideological struggles between the Powers engaged in the arms race and, particularly, with nuclear weapons,

Recognizing further that the task of economic and social development in the African States requires the uninterrupted attention of those States in order to allow them to fulfil their goals and to contribute fully to the maintenance of international peace and security,

Calls upon Member States:

(a) To refrain from carrying out or continuing to carry out in Africa nuclear tests in any form;

(b) To refrain from using the territory, territorial waters or air space of Africa for testing, storing or transporting nuclear weapons;

(c) To consider and respect the continent of Africa as a denuclearized zone.

1063rd plenary meeting,
24 November 1961

ANNEX II

2033 (XX). Declaration on the denuclearization of Africa.

The General Assembly,

Believing in the vital necessity of saving contemporary and future generations from the scourge of a nuclear war,

Recalling its resolution 1652 (XVI) of 24 November 1961, which called upon all Member States to refrain from testing, storing or transporting nuclear weapons in Africa and to consider and respect the continent as a denuclearized zone,

Recalling its resolution 2028 (XX) of 19 November 1965 on the non-proliferation of nuclear weapons,

Observing that proposals for the establishment of denuclearized zones in various other areas of the world have also met with general approval,

Convinced that the denuclearization of various areas of the world would help to achieve the desired goal of prohibiting the use of nuclear weapons,

Considering that the Assembly of Heads of State and Government of the Organization of African Unity, at its first regular session, held at Cairo from 17 to 21 July 1964, issued a solemn declaration on the denuclearization of Africa in which the Heads of State and Government announced their readiness to undertake, in an international treaty to be concluded under the auspices of the United Nations, not to manufacture or acquire control of nuclear weapons,

Noting that this declaration on the denuclearization of Africa was endorsed by the Heads of State or Government of Non-Aligned Countries in the Declaration issued on 10 October 1964, at the close of their Second Conference, held at Cairo,

Recognizing that the denuclearization of Africa would be a practical step towards the prevention of the further spread of nuclear weapons in the world and towards the achievement of general and complete disarmament and of the objectives of the United Nations,

1. Reaffirms its call upon all States to respect the continent of Africa as a nuclear-free zone;

2. Endorses the declaration on the denuclearization of Africa issued by the Heads of State and Governments of African countries;

3. Calls upon all States to respect and abide by the aforementioned declaration;

4. Calls upon all States to refrain from the use or the threat of use, of nuclear weapons on the African continent;

5. Calls upon all States to refrain from testing, manufacturing, using or deploying nuclear weapons on the continent of Africa, and from acquiring such weapons or taking any action which would compel African States to take similar action;

6. Urges those States possessing nuclear weapons and capability not to transfer nuclear weapons, scientific data or technological assistance to the national control of any State, either directly or indirectly, in any form which may be used to assist such States in the manufacture or use of nuclear weapons in Africa;

7. Expresses the hope that the African States will initiate studies, as they deem appropriate, with a view to implementing the denuclearization of Africa, and take the necessary measures through the Organization of African Unity to achieve this end;

8. Urges the African States to keep the United Nations informed of any further developments in this regard;

9. Requests the Secretary-General to extend to the Organization of African Unity such facilities and assistance as may be requested in order to achieve the aims of the present resolution.

1388th plenary meeting,
3 December 1965.

ANNEX III

1911 (XVIII). Denuclearization of Latin America.

The General Assembly,

Bearing in mind the vital necessity of sparing present and future generations the scourge of a nuclear war,

Recalling its resolutions 1380 (XIV) of 20 November 1959, 1576 (XV) of 20 December 1960 and 1665 (XVI) of 4 December 1961, in which it recognized the danger that an increase in the number of States possessing nuclear weapons would involve, since such an increase would necessarily result in an intensification of the arms race and an aggravation of the difficulty of maintaining world peace, thus rendering more difficult the attainment of a general disarmament agreement,

Observing that in its resolution 1664 (XVI) of 4 December 1961 it stated explicitly that the countries not possessing nuclear weapons had a grave interest and an important part to fulfil in the preparation and implementation of measures that could halt further nuclear weapon tests and prevent the further spread of nuclear weapons,

Considering that the recent conclusion of the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water, signed on 5 August 1963, has created a favourable atmosphere for parallel progress towards the prevention of the further spread of nuclear weapons, a problem which, as indicated in General Assembly resolutions 1649 (XVI) of 8 November 1961 and 1762 (XVII) of 6 November 1962, is closely connected with that of the banning of nuclear weapon tests,

Considering that the Heads of State of five Latin American Republics issued, on 29 April 1963, a declaration on the denuclearization of Latin America in which, in the name of their peoples and Governments, they announced that they are prepared to sign a multilateral Latin American agreement whereby their countries would undertake not to manufacture, receive, store or test nuclear weapons or nuclear launching devices,

Recognizing the need to preserve, in Latin America, conditions which will prevent the countries of the region from becoming involved in a dangerous and ruinous nuclear arms race,

1. Notes with satisfaction the initiative for the denuclearization of Latin America taken in the joint declaration of 29 April 1963;

2. Expresses the hope that the States of Latin America will initiate studies, as they deem appropriate, in the light of the principles of the Charter of the United Nations and of regional agreements and by the means and through the channels which they deem suitable, concerning the measures that should be agreed upon with a view to achieving the aims of the said declaration;

3. Trusts that at the appropriate moment, after a satisfactory agreement has been reached, all States, particularly the nuclear Powers, will lend their full co-operation for the effective realization of the peaceful aims inspiring the present resolution;

4. Requests the Secretary-General to extend to the States of Latin America, at their request, such technical facilities as they may require in order to achieve the aims set forth in the present resolution.

1265th plenary meeting,
27th November 1963.

ANNEX IV

2286 (XXII). Treaty for the Prohibition of Nuclear Weapons in Latin America

The General Assembly,

Recalling that in its resolution 1911 (XVIII) of 27 November 1963 it expressed the hope that the States of Latin America would carry out studies and take appropriate measures to conclude a treaty that would prohibit nuclear weapons in Latin America,

Recalling also that in the same resolution it voiced its confidence that, once such a treaty was concluded, all States and particularly the nuclear Powers, would lend it their full co-operation for the effective realization of its peaceful aims,

Considering that in its resolution 2028 (XX) of 19 November 1965 it established the principle of an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers,

Bearing in mind that in its resolution 2153 A (XXI) of 17 November 1966 it expressly called upon all nuclear-weapon Powers to refrain from the use, or the threat of use, of nuclear weapons against States which might conclude regional treaties in order to ensure the total absence of nuclear weapons in their respective territories,

Noting that that is precisely the object of the Treaty for the Prohibition of Nuclear Weapons in Latin America, signed at Tlatelolco, Mexico, by twenty-one Latin American States, which are convinced that the Treaty will constitute a measure that will spare their peoples the squandering of their limited resources on nuclear armaments and will protect them against possible nuclear attacks on their territories, that it will be a stimulus to the peaceful use of nuclear energy in the promotion of economic and social development and that it will act as a significant contribution towards preventing the proliferation of nuclear weapons and as a powerful factor for general and complete disarmament,

Noting that it is the intent of the signatory States that all existing States within the zone defined in the Treaty may become parties to the Treaty without any restriction,

Taking note of the fact that the Treaty contains two additional protocols open, respectively, to the signature of States which, de jure or de facto, are internationally responsible for territories which lie within the limits of the geographical zone established in the Treaty and to the signature of States possessing nuclear weapons, and convinced that the co-operation of such States is necessary for the greater effectiveness of the Treaty,

1. Welcomes with special satisfaction the Treaty for the Prohibition of Nuclear Weapons in Latin America, which constitutes an event of historic significance in the efforts to prevent the proliferation of nuclear weapons and to promote international peace and security and which at the same time establishes the right of Latin American countries to use nuclear energy for demonstrated peaceful purposes in order to accelerate the economic and social development of their peoples;

2. Calls upon all States to give their full co-operation to ensure that the régime laid down in the Treaty enjoys the universal observance to which its lofty principles and noble aims entitle it;

3. Recommends States which are or may become signatories of the Treaty and those contemplated in Additional Protocol I of the Treaty to strive to take all the measures within their power to ensure that the Treaty speedily obtains the widest possible application among them;

4. Invites Powers possessing nuclear weapons to sign and ratify Additional Protocol II of the Treaty as soon as possible.

1620th plenary meeting,
5 December 1967

Resolution B Relating to the Establishment of Nuclear-Weapon-Free Zones, adopted by the Conference of Non-Nuclear-Weapon States

The Conference of Non-Nuclear-Weapon States,

Considering that the establishment of nuclear-weapon-free zones, on the initiative of the States situated within each zone concerned, is one of the measures which can contribute most effectively to halting the proliferation of those instruments of mass destruction and to promoting progress towards nuclear disarmament,

Noting that a nuclear-weapon-free zone is of benefit to the security and economic development of the States within the zone, since it frees their territories from the danger of nuclear attacks and avoids the squandering of their resources on the production of nuclear armaments,

Taking into account the conclusions which follow from resolutions 1911 (XVIII) and 2033 (XX) of the United Nations General Assembly,

Recalling that General Assembly resolution 2028 (XX) established the principle of an acceptable balance of mutual responsibilities and obligations of the nuclear-weapon and non-nuclear-weapon States,

Recalling further that in resolution 2153 A (XXI) the General Assembly expressly called upon all nuclear-weapon Powers to refrain from the use, or the threat of use, of nuclear weapons against States which might conclude regional treaties in order to ensure the total absence of nuclear weapons in their respective territories,

Convinced that, for the maximum effectiveness of any treaty establishing a nuclear-weapon-free zone, the co-operation of the nuclear-weapon States is necessary and that such co-operation should take the form of commitments likewise undertaken in a formal international instrument which is legally binding, such as a treaty, convention or protocol,

Observing that the Treaty for the Prohibition of Nuclear Weapons in Latin America, also known as the Treaty of Tlatelolco, has already established a nuclear-weapon-free zone comprising territories densely populated by man,

Noting that Additional Protocol II of that Treaty defines the following obligations to be assumed by the nuclear-weapon States:

(a) To respect "in all its express aims and provisions" the "statute of denuclearization of Latin America in respect of warlike purposes, as defined, delimited and set forth" in the Treaty of Tlatelolco;

(b) "not to contribute in any way to the performance of acts involving a violation of the obligations of article 1 of the Treaty in the territories to which the Treaty applies",

(c) "not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty",

Recalling that in resolution 2286 (XXII) the General Assembly invited Powers possessing nuclear weapons "to sign and ratify Additional Protocol II of the Treaty as soon as possible",

I.

Recommends that all non-nuclear-weapon States not comprised in the zone established by the Treaty of Tlatelolco initiate or continue such studies as they may deem opportune concerning the possibility and desirability of establishing by treaty the military denuclearization of their respective zones, provided that political and security conditions permit.

II.

1. Regrets the fact that not all the nuclear-weapon States have yet signed Additional Protocol II of the Treaty of Tlatelolco;

2. Urges the nuclear-weapon Powers to comply fully with paragraph 4 of resolution 2286 (XXII), adopted by the United Nations General Assembly on 5 December 1967.

27 September 1968

Annex VI

2456 B (XXIII). Conference of Non-Nuclear-Weapon States

The General Assembly,

Having examined the Final Document of the Conference of Non-Nuclear-Weapon States,

Considering that the establishment of zones free from nuclear weapons, on the initiative of the States situated within each zone concerned, is one of the measures which can contribute most effectively to halting the proliferation of those instruments of mass destruction and to promoting progress towards nuclear disarmament,

Observing that the Treaty for the Prohibition of Nuclear Weapons in Latin America, opened for signature on 14 February 1967, has already established a nuclear-weapon-free zone comprising territories densely populated by man,

Reiterates the recommendation contained in resolution B of the Conference of Non-Nuclear-Weapon States, concerning the establishment of nuclear-weapon-free zones, and especially the urgent appeal for full compliance by the nuclear-weapon Powers with paragraph 4 of General Assembly resolution 2286 (XXII) of 5 December 1967, in which the Assembly invited Powers possessing nuclear weapons to sign and ratify as soon as possible Additional Protocol II of the Treaty for the Prohibition of Nuclear Weapons in Latin America.

1750th plenary meeting,
20 December 1968.

ANNEX VII

ARTICLES OF THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA (TREATY OF TLATELOLCO) CONCERNING OBLIGATIONS, DEFINITION OF NUCLEAR WEAPONS, ORGANIZATION AND CONTROL SYSTEM */

Obligations

Article 1

1. The Contracting Parties hereby undertake to use exclusively for peaceful purposes the nuclear material and facilities which are under their jurisdiction, and to prohibit and prevent in their respective territories:

(a) The testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons, by the Parties themselves, directly or indirectly, on behalf of anyone else or in any other way, and

(b) The receipt, storage, installation, deployment and any form of possession of any nuclear weapons, directly or indirectly, by the Parties themselves, by anyone on their behalf or in any other way.

2. The Contracting Parties also undertake to refrain from engaging in, encouraging or authorizing, directly or indirectly, or in any way participating in the testing, use, manufacture, production, possession or control of any nuclear weapon.

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Definition of nuclear weapons

Article 5

For the purposes of this Treaty, a nuclear weapon is any device which is capable of releasing nuclear energy in an uncontrolled manner and which has a group of characteristics that are appropriate for use for warlike purposes. An instrument that may be used for the transport or propulsion of the device is not included in this definition if it is separable from the device and not an indivisible part thereof.

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Organization

Article 7

1. In order to ensure compliance with the obligations of this Treaty, the Contracting Parties hereby establish an international organization to be known as the "Agency for the Prohibition of Nuclear Weapons in Latin America", hereinafter referred to as "the Agency". Only the Contracting Parties shall be affected by its decisions.

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2. The Agency shall be responsible for the holding of periodic or extraordinary consultations among Member States on matters relating to the purposes, measures and procedures set forth in this Treaty and to the supervision of compliance with the obligations arising therefrom.

3. The Contracting Parties agree to extend to the Agency full and prompt co-operation in accordance with the provisions of this Treaty, of any agreements they may conclude with the Agency and of any agreements the Agency may conclude with any other international organization or body.

4. The headquarters of the Agency shall be in Mexico City.

Organs

Article 8

1. There are hereby established as principal organs of the Agency a General Conference, a Council and a Secretariat.

2. Such subsidiary organs as are considered necessary by the General Conference may be established within the purview of this Treaty.

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Control system

Article 12

1. For the purpose of verifying compliance with the obligations entered into by the Contracting Parties in accordance with article 1, a control system shall be established which shall be put into effect in accordance with the provisions of articles 13 - 18 of this Treaty.

2. The control system shall be used in particular for the purpose of verifying:

(a) That devices, services and facilities intended for peaceful uses of nuclear energy are not used in the testing or manufacture of nuclear weapons;

(b) That none of the activities prohibited in article 1 of this Treaty are carried out in the territory of the Contracting Parties with nuclear materials or weapons introduced from abroad; and

(c) That explosions for peaceful purposes are compatible with article 18 of this Treaty.

IAEA safeguards

Article 13

Each Contracting Party shall negotiate multilateral or bilateral agreements with the International Atomic Energy Agency for the application of its safeguards to its

nuclear activities. Each Contracting Party shall initiate negotiations within a period of 180 days after the date of the deposit of its instrument of ratification of this Treaty. These agreements shall enter into force, for each Party, not later than eighteen months after the date of the initiation of such negotiations except in case of unforeseen circumstances or force majeure.

Reports of the Parties

Article 14

1. The contracting Parties shall submit to the Agency and to the International Atomic Energy Agency, for their information, semi-annual reports stating that no activity prohibited under this Treaty has occurred in their respective territories.

2. The Contracting Parties shall simultaneously transmit to the Agency a copy of any report they may submit to the International Atomic Energy Agency which relates to matters that are the subject of this Treaty and to the application of safeguards.

3. The Contracting Parties shall also transmit to the Organization of American States, for its information, any reports that may be of interest to it, in accordance with the obligations established by the Inter-American System.

Special reports requested by the General Secretary

Article 15

1. With the authorization of the Council, the General Secretary may request any of the Contracting Parties to provide the Agency with complementary or supplementary information regarding any event or circumstance connected with compliance with this Treaty, explaining his reasons. The Contracting Parties undertake to co-operate promptly and fully with the General Secretary.

2. The General Secretary shall inform the Council and the Contracting Parties forthwith of such requests and of the respective replies.

Special inspections

Article 16

1. The International Atomic Energy Agency and the Council established by this Treaty have the power of carrying out special inspections in the following cases:

(a) In the case of the International Atomic Energy Agency, in accordance with the agreements referred to in article 13 of this Treaty;

(b) In the case of the Council:

(i) When so requested, the reasons for the request being stated, by any Party which suspects that some activity prohibited by this Treaty has been carried out or is about to be carried out, either in the territory of any other Party or in any other place on such latter Party's behalf, the Council shall immediately arrange for such an inspection in accordance with article 10, paragraph 5;

(ii) When requested by any Party which has been suspected of or charged with having violated this Treaty, the Council shall immediately arrange for the special inspection requested in accordance with article 10, paragraph 5.

The above requests will be made to the Council through the General Secretary.

2. The costs and expenses of any special inspection carried out under paragraph 1, sub-paragraph (b), sections (i) and (ii), of this article shall be borne by the requesting Party or Parties, except where the Council concludes on the basis of the report on the special inspection that, in view of the circumstances existing in the case, such costs and expenses should be borne by the Agency.

3. The General Conference shall formulate the procedures for the organization and execution of the special inspection carried out in accordance with paragraph 1, sub-paragraph (b), sections (i) and (ii), of this article.

4. The Contracting Parties undertake to grant the inspectors carrying out such special inspections full and free access to all places and all information which may be necessary for the performance of their duties and which are directly and intimately connected with the suspicion of violation of this Treaty. If so requested by the authorities of the Contracting Party in whose territory the inspection is

carried out, the inspectors designated by the General Conference shall be accompanied by representatives of said authorities, provided that this does not in any way delay or hinder the work of the inspectors.

5. The Council shall immediately transmit to all the Parties, through the General Secretary, a copy of any report resulting from special inspections.

6. Similarly, the Council shall send through the General Secretary to the Secretary-General of the United Nations, for transmission to the United Nations Security Council and General Assembly, and to the Council of the Organization of American States, for its information a copy of any report resulting from any special inspection carried out in accordance with paragraph 1, sub-paragraph (b), sections (i) and (ii), of this article.

7. The Council may decide, or any Contracting Party may request, the convening of a special session of the General Conference for the purpose of considering the reports resulting from any special inspection. In such a case, the General Secretary shall take immediate steps to convene the special session requested.

8. The General Conference, convened in special session under this article, may make recommendations to the Contracting Parties and submit reports to the Secretary-General of the United Nations to be transmitted to the United Nations Security Council and the General Assembly.

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Explosions for peaceful purposes

Article 18

1. The Contracting Parties may carry out explosions of nuclear devices for peaceful purposes - including explosions which involve devices similar to those used in nuclear weapons - or collaborate with third parties for the same purpose, provided that they do so in accordance with the provisions of this article and the other articles of the Treaty, particularly articles 1 and 5.

2. Contracting Parties intending to carry out, or to co-operate in carrying out, such an explosion shall notify the Agency and the International Atomic Energy Agency, as far in advance as the circumstances require, of the date of the explosion and shall at the same time provide the following information:

(a) The nature of the nuclear device and the source from which it was obtained,

(b) The place and purpose of the planned explosion,

(c) The procedures which will be followed in order to comply with paragraph 3 of this article,

(d) The expected force of the device, and

(e) The fullest possible information on any possible radioactive fall-out that may result from the explosion or explosions, and measures which will be taken to avoid danger to the population, flora, fauna and territories of any other Party or Parties.

3. The General Secretary and the technical personnel designated by the Council and the International Atomic Energy Agency may observe all the preparations, including the explosion of the device, and shall have unrestricted access to any area in the vicinity of the site of the explosion in order to ascertain whether the device and the procedures followed during the explosion are in conformity with the information supplied under paragraph 2 of this article and the other provisions of this Treaty.

4. The Contracting Parties may accept the collaboration of third parties for the purpose set forth in paragraph 1 of the present article, in accordance with paragraphs 2 and 3 thereof.

ANNEX VIII

ADDITIONAL PROTOCOL II TO THE TREATY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA (TREATY OF TLATELOLCO) */

The undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

Convinced that the Treaty for the Prohibition of Nuclear Weapons in Latin America, negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in resolution 1911 (XVIII) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

Aware that the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of ahcieving general and complete disarmament at a later stage, and

Desiring to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards promoting and strengthening a world at peace, based on mutual respect and sovereign equality of States,

Have agreed as follows:

Article 1. The statute of denuclearization of Latin America in respect of warlike purposes, as defined, delimited and set forth in the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this instrument is an annex, shall be fully respected by the Parties to this Protocol in all its express aims and provisions.

Article 2. The Governments represented by the undersigned Plenipotentiaries undertake, therefore, not to contribute in any way to the performance of acts involving a violation of the obligations of article 1 of the Treaty in the territories to which the Treaty applies in accordance with article 4 thereof.

Article 3. The Governments represented by the undersigned Plenipotentiaries also undertake not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty for the Prohibition of Nuclear Weapons in Latin America.

Article 4. The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this Protocol is an annex, and the definitions of territory and nuclear weapons set forth in articles 3 and 5 of the Treaty shall be applicable to this Protocol, as well as the provisions regarding ratification, reservations, denunciation, authentic texts and registration contained in articles 26, 27, 30 and 31 of the Treaty.

Article 5. This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

In witness whereof, the undersigned Plenipotentiaries, having deposited their full powers found to be in good and due form, hereby sign this Additional Protocol on behalf of their respective Governments.

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Annex IX

Status of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) and its two Additional Protocols, as at 20 March 1969

A. Treaty

1. Signatures

Bolivia	14 February 1967
Colombia	14 February 1967
Costa Rica	14 February 1967
Chile	14 February 1967
Ecuador	14 February 1967
El Salvador	14 February 1967
Guatemala	14 February 1967
Haiti	14 February 1967
Honduras	14 February 1967
Mexico	14 February 1967
Panama	14 February 1967
Peru	14 February 1967
Uruguay	14 February 1967
Venezuela	14 February 1967
Nicaragua	15 February 1967
Paraguay	26 April 1967
Brazil	9 May 1967
Trinidad and Tobago	27 June 1967
Dominican Republic	28 July 1967
Argentina	27 September 1967
Jamaica	26 October 1967
Barbados	18 October 1968

2. Ratifications

*	Mexico	20 September 1967
	Brazil	29 January 1968
*	El Salvador	22 April 1968
*	Dominican Republic	14 June 1968
*	Uruguay	20 August 1968
*	Honduras	23 September 1968
*	Nicaragua	24 October 1968
*	Ecuador	11 February 1969
*	Bolivia	18 February 1969
*	Peru	4 March 1969
*	Paraguay	19 March 1969

B. Additional Protocol I

States to which the Protocol is open for signature	Signatures	Ratifications
United Kingdom of Great Britain and Northern Ireland	20 December 1967	
Kingdom of the Netherlands	15 March 1968	
United States of America		
France		

C. Additional Protocol II

States to which the Protocol is open for signature	Signatures	Ratifications
United Kingdom of Great Britain and Northern Ireland	20 December 1967	
United States of America	10 April 1968	
France		
People's Republic of China		
Union of Soviet Socialist Republics		

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* States which deposited, together with their respective instruments of ratification, declarations by which, in exercise of the right accorded by article 28, paragraph 2 of the Treaty, they waived all the requirements laid down in paragraph 1 of that article, so that the Treaty is already in force for all of them.